

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ZURICH AMERICAN INSURANCE COMPANY

PLAINTIFF

V.

Case No.: 3:14-cv-00362-DPJ-FKB

MANAGEMENT & TRAINING CORPORATION;
CHRISTOPHER EPPS; GLORIA PERRY; and
ARCHIE LONGLEY

DEFENDANTS

THIRD UNOPPOSED MOTION FOR EXTENSION

COMES NOW the Plaintiff, Zurich American Insurance Company (“Zurich”), by and through counsel, and, respectfully requests a third extension of time, through and including September 15, 2014, to respond to Defendants Christopher Epps, Gloria Perry and Archie Longley’s Motion to Dismiss (Doc. 8), and in support thereof states as follows:

1. Zurich initiated this action by filing a Complaint for Declaratory Judgment (Doc. 1) on May 2, 2014. Zurich has asserted complete diversity (28 U.S.C. § 1332(a)) as the basis for federal subject-matter jurisdiction.

2. On May 28, 2014, Defendants Christopher Epps, Gloria Perry and Archie Longley filed a motion to dismiss (Doc. 8), claiming immunity from suit under the Eleventh Amendment to the United States Constitution and a lack of complete diversity. Zurich’s response to the motion to dismiss is currently due by August 14, 2014. (Zurich has obtained two prior extensions to respond to the motion to dismiss, both of which were agreed to by the Defendants. The first extension was to permit Zurich additional time to research the allegations presented in the motion, while the second extension was to accommodate negotiations between the parties as to settlement or deferral of litigation.)

3. The parties are engaged in continuing negotiations on an agreement to defer adjudication of the insurance coverage issues presented in this case. Zurich is optimistic that the parties will soon come to an agreement that will allow for the dismissal of this action without prejudice. It is anticipated that such an agreement will be in place within a matter of days. Thus, in light of the parties' ongoing (and fruitful) discussions, Zurich requests that the deadline for its response to the motion to dismiss be extended for an additional 30 days, until September 15, 2014.¹

4. Counsel for Defendants Christopher Epps, Gloria Perry and Archie Longley has agreed to the extension herein requested.

WHEREFORE, PREMISES CONSIDERED, Zurich respectfully requests that its deadline for filing a response to the motion to dismiss and a memorandum brief in support of the response be extended until September 15, 2014.

Date: August 15, 2014

Respectfully submitted,

s/ Jeffrey S. Dilley
Jeffrey S. Dilley, MBN 6127
jsd@henke-bufkin.com
HENKE BUFKIN, P.A.
Post Office Box 39
Clarksdale, MS 38614
662-624-8500 (telephone)
662-624-8040 (fax)

***Attorneys for Zurich American
Insurance Company***

¹ In light of the parties' settlement discussions, Zurich has further agreed to allow Defendant Management & Training Corporation ("MTC") an open extension to file its answer.

CERTIFICATE OF SERVICE

I, Jeffrey S. Dilley, do hereby certify that on **August 15, 2014**, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which will send a notification of such filing to all counsel of record.

/s Jeffrey S. Dilley